

TOWN OF DAVIE
AUGUST 3, 2005

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:19 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Crowley, Paul, and Starkey. Also present were Town Administrator Kovanes, Attorney Parke, and Town Clerk Muniz recording the meeting

Mayor Truex introduced Broward County Commissioner Ilene Lieberman and Representative Ron Greenstein.

Commissioner Lieberman spoke of the Town's participation in recycling programs and advised that the Resource Recovery Board would give excess funds back to the Town. She advised that the Town had been reimbursed just under \$1.4 million over the past few years. Commissioner Lieberman spoke of the need for the Town and the County to workshop the 10th amendment to the interlocal agreement. Representative Greenstein explained that trash was the largest industry in Broward County and spoke of the need for a better system.

3. OPEN PUBLIC MEETING

Mayor Truex advised of the rules for the Open Public Meeting. He advised that at the previous meeting, Council had agreed that signage could be brought into Council meetings. Mayor Truex asked Mr. Parke if residents could speak on the Wal-Mart issue. Mr. Parke advised that residents could speak on this issue but Council could not use anything said in making its determination at the hearing.

Wendy Rosenberg spoke of the lack of guardrails and dangerous conditions along Orange Drive and other roadways adjacent to canals. Councilmember Starkey wanted to explore opportunities with the South Florida Water Management District (SFWMD) for installing barriers along the canals. Councilmember Paul advised that she had spoken with the Town Engineer Larry Peters and advised that staff would discuss this issue further with SFWMD. Councilmember Crowley wanted to meet with SFWMD as the Council representative on this issue. Mayor Truex indicated that Council did want to work on this issue.

Shawn Black felt the Wal-Mart project was incompatible for the surrounding area due to noise and light pollution, environmental concerns and traffic impacts.

A man spoke of the permit issue surrounding his fence and requested that Council look into this.

Dean Alexander spoke of the pet shelter issue and staff's efforts to communicate with the County. He stated that the Town and the Humane Society had organized a shelter but felt this was not ideal or comfortable. Mr. Alexander spoke of a pet shelter in Dade County that served everyone equitably and he wanted to see something of this nature in Broward County. Mayor Truex felt Mr. Alexander had a good idea but pointed out that the Town did not run these shelters; however, the Town could encourage the County to improve the program. Special Projects Director Bonnie Stafiej spoke of the program that assisted residents with their animals.

John Ladue asked about the Code change that would affect his variance. Development Services Director Mark Kutney indicated that this was on his list of items to address.

Mr. Ladue asked about the Robbins Lodge fence. Mr. Kovanes indicated that the Town would get a cost assessment and would enforce its own Code.

Barbara Tilley, 1941 SW 87 Avenue, distributed photographs of mobile homes in disrepair. She spoke of new mobile homes in Park City and questioned if permits were being pulled. Councilmember Crowley spoke of his tour of the neighborhood and stated that the Town was looking into this. He assured Ms. Tilley that she would get an update from him or staff.

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Arthur Joseph, 13700 SW 18 Court, felt the Town should not keep the rebates from the waste recycling sites, as the rebates should be given to the residents. He spoke against Wal-Mart's labor practices and felt Wal-Mart should not be allowed in the Town. Mr. Joseph commended the Town's Airport Advisory Board on its work and felt Councilmember Starkey should allow the members to make its own decisions. He wanted to see a committee formed to reduce auto accidents.

Joe Cosner, 4451 SW 77 Avenue, spoke of the VFW site along Griffin Road and felt the proposed site plan would ruin the intent of the Griffin Road Corridor. He pointed out that the noise would affect nearby residents and complained about noise pollution from the Tijuana Taxi property.

Donna Evans, representing the Davie Police Athletic League (PAL), thanked Vice-Mayor Hubert for her help on behalf of the PAL. She spoke of new programs being added including FCAT tutoring, homework tutoring and horseback riding.

John Parker, 6350 West Falcon Lea Drive, spoke of the recent changes at PAL including teaching youth about running a business. He thanked Council for its support.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, spoke of her recent meetings with officials of Seminole Hard Rock Casino pertaining to noise. She stated that nothing was being done to stop the noise and felt this condition would suppress the redevelopment of SR 7/441. Ms. Stenzel-Nowicki asked that the Town assist with mitigation of this issue.

Mayor Truex closed the Open Public Meeting.

Mayor Truex requested that residents designate one or two people to speak on behalf of a group on a particular issue.

Mayor Truex announced that staff requested to table item 4.13 to September 7, 2005.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 7.5 needed to be added.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that items 8.3, 9.2 and 9.3 needed to be added.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex recognized an additional speaker for the Open Public Meeting.

Steve Philbin, representing the new owner of the truck stop property, encouraged Council to adopt the master plan and indicated that plans were in place to develop something other than a truck stop.

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. June 20, 2005 (Special Executive Session)

Home Occupational Licenses

4.2. Leslie J. Backus, Inc., 13090 SW 16 Court

4.3. Suburban Hardscapes, Inc., 14333 SW 16 Court

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Resolutions

- 4.4. **BUILDING DEDICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RECOGNIZING THE ENDLESS DEDICATION AND CONTRIBUTIONS OF CURTIS MANCINI TO THE TOWN OF DAVIE AS AN OFFICER AND AS A TRAINER AND ACKNOWLEDGING THESE CONTRIBUTIONS THROUGH THE RECOGNITION AND NAMING OF THE DAVIE POLICE DEPARTMENT BUILDING IN MEMORY OF OFFICER CURTIS MANCINI. (not budgeted - \$3,000)
- R-2005-214
- 4.5. **HOLIDAY SCHEDULE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE HOLIDAYS TO BE OBSERVED BY THE TOWN OF DAVIE DURING FISCAL YEAR 2005-2006; AND PROVIDING AN EFFECTIVE DATE.
- R-2005-215
- 4.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF SITE IMPROVEMENTS FOR THE TEMPORARY FIRE STATION AT SHENANDOAH PARK. (Tenex Enterprises, Inc. - \$234,500)
- R-2005-216
- 4.7. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CLEANING LAUNDERING POLICE DEPARTMENT AND FIRE DEPARTMENT UNIFORMS. (One Low Price Cleaners - \$52,000/yr - police; \$26,109.20/yr - fire)
- R-2005-217
- 4.8. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DIMENSION DATA FOR THE PURCHASE OF E-MAIL SERVER ARCHIVE AND BACKUP SOFTWARE. (\$24,927.60)
- R-2005-218
- 4.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR CONSTRUCTION AND MAINTENANCE OF A MULTIPURPOSE TRAIL BY THE TOWN OF DAVIE AT VISTA VIEW PARK. (\$8,600)
- R-2005-219
- 4.10. **SETTLEMENT AGREEMENT** - A RESOLUTION OF THE DAVIE OF DAVIE, FLORIDA AUTHORIZING THE TOWN COUNCIL TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN THE CITY OF COOPER CITY AND TOWN OF DAVIE IN CASE NUMBER 03-01045 (11), AND PROVIDING AN EFFECTIVE DATE.
- R-2005-220
- 4.11. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING COUNCILMEMBER SUSAN STARKEY TO EXECUTE THE CONTRACT FOR THE POLICE FIRE MEMORIAL STATUE TO BE COMMISSIONED BY BRODIN STUDIOS, INC., AND AUTHORIZING A DEPOSIT OF \$50,000 TO BE SENT TO BRODIN STUDIOS, INC. FOR THE COMMENCEMENT OF CONTRACTED WORK. (not budgeted - collected from community donations)
- R-2005-221

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- 4.12. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2005-222 **AUTHORIZING THE TOWN ADMINISTRATOR OR DESIGNEE TO EXECUTE AN AGREEMENT WITH LORI PARRISH AS BROWARD COUNTY PROPERTY APPRAISER FOR CREATING AND MAINTAINING A NON-AD VALOREM ASSESSMENT ROLL FOR SOLID WASTE SERVICES; AND PROVIDING AN EFFECTIVE DATE.**
- 4.13. **SR7/441 MASTER PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING THE SR7/441 CORRIDOR MASTER PLAN DOCUMENT; AND AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Temporary Uses

- 4.14. TU 7-2-05, Luke's Place, 3558 South University Drive (special promotion)
- 4.15. TU 7-5-05, Nova Southeastern University, 3301 College Avenue (bonfire and celebration)

Quasi-Judicial Consent Agenda

- 4.16. SP 2-4-03, Oak Scholar Academy Charter School, 3655 Shotgun Road (AG) (tabled from July 20, 2005) *Site Plan Committee recommended approval subject to compliance with the staff report and in addition 1) that the petitioner will install pavers in the four crosswalks of the 24-foot bypass drop-off area; 2) that the left-turn at the traffic circle be manually controlled by school staff during peak drop-off and pickup times; 3) that the sidewalk at the main entrance on the north side of the school shall be widened to an eight-foot clearance and move the decorative circles in order to achieve that widening; 4) that the petitioner agrees to prohibit cafeteria deliveries during peak drop-off and pickup times; 5) that a can wash will be installed by the dumpsters; 6) that the Queen Palms in the courtyard areas will be changed to double Alexandra Palms 18-to 20-feet tall; 7) that the Bald Cypress on the south property line will be changed to Live Oaks; 8) that the Sabal Palms at the northeast and southeast corners of the buss drop-off entrance area will be changed to heights of 16-to 30-foot overall; 9) maintain lighting at 3.0 at the main entrance and drop-off and pickup lanes; and 10) that there shall be a real bell in the bell tower*

Vice-Mayor Hubert pulled item 4.4. Councilmember Crowley pulled item 4.11. Councilmember Paul pulled items 4.3 and 4.16. Mayor Truex pulled item 4.8.

Vice-Mayor Hubert made a motion, seconded by Councilmember Paul, to approve the Consent Agenda minus items 4.3, 4.4, 4.8, 4.11 and 4.16. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.3 Councilmember Paul spoke of concerns about the large number of landscape companies operating improperly in the area. She suggested inspecting properties prior to landscape companies applying for home occupational licenses. Councilmember Paul requested that this item be tabled so she could speak with staff.

Frank Frisenda, 14333 SW 16 Court, indicated that he had submitted a Letter of Intent regarding the nature of his business. Councilmember Paul asked if he would include language stating "there would

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be no dropping of business waste for garbage pickup.” Mr. Frisenda agreed to this and assured Council he was not using the area to dump debris.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.4 Vice-Mayor Hubert questioned the cost. Police Chief John George indicated that the cost was for the sign and related expenses for the dedication. Vice-Mayor Hubert asked if kids from the DARE program would be invited. Chief George advised that the ceremony was open to the public. Councilmember Starkey spoke in favor of the request.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Mayor Truex asked if the bid had been advertised. Director of Information Systems Frank Apicella responded affirmatively. Mayor Truex questioned whether the costs were definitely under \$25,000, with no add-ons. Mr. Apicella responded affirmatively.

Mayor Truex made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.11 Councilmember Crowley congratulated Councilmember Starkey on her efforts to raise money for the Police/Fire Memorial.

Councilmember Paul questioned whether Councilmember Starkey could execute the contract as the resolution indicated. Councilmember Starkey described the statue and advised that all the funds were raised by residents and businesses in the Town. She advised that the cost of the statue would be \$150,000. Councilmember Starkey thanked the Miami Dolphins and all sponsors for their efforts. She questioned how Council wished to proceed regarding jurisdiction over the contract in the event of any litigation. Mayor Truex recommended asking for Broward County’s jurisdiction.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve subject to the language changing the jurisdiction to Broward County. In a voice vote, all voted in favor. (Motion carried 5-0)

4.16 Later in the meeting, this item was tabled to August 17, 2005.

6. PUBLIC HEARING

Ordinances - Second and Final Reading

2005-16 6.1. **MORATORIUM** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
DECLARING A MORATORIUM FOR A PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS COMMENCING UPON THE ADOPTION OF THIS ORDINANCE; STATING THE FINDINGS AND REASONS FOR A MORATORIUM; PROHIBITING THE FILING OF ANY APPLICATION FOR ANY ADULT ENTERTAINMENT FACILITY OR ANY OTHER APPLICATIONS PERMITTED UNDER THE DAVIE CODE OF ORDINANCES RELATED TO THE USE OF ANY BUILDING FOR THE OPERATION OF AN ADULT ENTERTAINMENT FACILITY WITHIN THE TOWN OF DAVIE DURING THE MORATORIUM PERIOD; PROVIDING THE SCOPE OF THE MORATORIUM; PROVIDING FOR A DURATION; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE. (tabled from July 20, 2005) {**Approved on First Reading June 15, 2005 - all voted in favor**}

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Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey wanted all possible categories to be covered.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - out of the room; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.2. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2005-17 **APPROVING REZONING PETITION ZB 8-1-04 REGENCY SQUARE, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: PUD (BROWARD COUNTY); TO: B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-1-04, Regency Square, Regency Square at Broward Joint Venture/C. William Laystrom Jr., 4900 SW 148 Avenue) (tabled from July 20, 2005) *Planning and Zoning Board recommended approval subject to the condition of an eight-foot wall as requested by the residents and that the developer look at some kind of added landscaping* {Approved on First Reading May 18, 2005 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Bill Laystrom, representing the petitioner, advised that Chelsea had signed the agreement with a condition that provided the declaration that the Town requested separately for a number of uses that the Town wanted restricted on the site.

Councilmember Starkey asked whether the destruction and the assessed value of 50% should be included. Deputy Planning and Zoning Marcie Nolan responded that this was handled in a different subsection than what Councilmember Starkey was referring to.

Councilmember Starkey spoke of past deed restrictions for the Warren Henry site and wanted the same restrictions on this site. Mr. Laystrom advised that these same restrictions were in place on this site.

Councilmember Paul spoke of a conversation she had with Keith Poliakoff indicating they had signed the agreement.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinance - First Reading (Second and Final Reading to be held August 17, 2005)

- 6.3. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
APPROVING VACATION PETITION VA 12-1-03, VACATING A PORTION OF THE 15 FOOT RIGHT-OF-WAY LYING SOUTH OF TRACT 40 AS SHOWN ON “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1”, SECTION 21, TOWNSHIP 50 SOUTH, RANGE 40 EAST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 12-1-03, Oak Scholar Academy Charter School, 3655 Shotgun Road) (tabled from July 20, 2005) *Planning and Zoning Board recommended approval*

Councilmember Paul asked if items 6.3, 6.4 and 4.16 would be heard at this time. Mayor Truex responded in the affirmative.

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Mayor Truex turned this portion of the meeting over to Mr. Parke. Mr. Parke read the rules of evidence.

Town Clerk Muniz read the ordinances by title.

Mr. Parke swore in the witnesses.

Bill Laystrom, representing the petitioner, updated Council on the progress of this project. He advised that the applicant would use a portion of the 15-foot right-of-way on the side of the road for fire access around the building and would exit on the north side of the building. Councilmember Crowley asked if the applicant had met with the Fire Department. Mr. Laystrom responded in the affirmative. He advised Council that he had provided Councilmember Crowley with drainage calculations, which would be forwarded to Central Broward Water Control District for engineer signoff. Regarding the roundabout, Mr. Laystrom advised that a video camera had been placed at the site to study traffic flow.

Councilmember Crowley asked if the petitioner had met with the School Board. Mr. Laystrom advised that he would make another effort to meet with the School Board.

Councilmember Paul asked about road capacities. Jose Rodriguez, traffic engineer, advised that South Post Road vehicle capacity was 14,600 between Weston and Shotgun Roads. He stated that the vehicle capacity for Shotgun Road from SW 142 Avenue to Oak Scholar was also at 14,600. Mr. Rodriguez added that the level of service for South Post Road was a "D", while Shotgun Road's level of service was a "C". He indicated that these volumes were 2005 estimates.

Mayor Truex asked Mr. Laystrom if he was ready to move forward with this item. Mr. Laystrom responded in the negative.

Mr. Kiar opened the public hearing portion of the meeting.

Damon Carroll was opposed to this project as he felt it would be operated as a private business even though it was a school. He felt parking had to be addressed for activities and events after school hours.

Art Waggenheim, 14922 SW 33 Street, spoke of Riverstone's concerns about the bridge to be built on Orange Drive in 2009. He indicated that the residents did not want the middle school opened until this bridge was built.

Jeff Brazier, 14900 SW 33 Street, spoke of various aspects of the traffic issue that he wanted to be addressed.

As no one else spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Starkey asked if Mr. Laystrom had looked into flashing speed limits on school zone signage. Mr. Laystrom responded that the applicant would use normal school zone lights.

Councilmember Starkey advised that she had spoken with Mr. Laystrom, Mr. Waggenheim, the Chief, and had received emails from residents. Vice-Mayor Hubert advised that she had spoken with Mr. Laystrom.

Mr. Laystrom indicated that he would be prepared to go forward on this item at the next meeting.

Vice-Mayor Hubert made a motion, seconded by Councilmember Paul, to table item 6.3, 6.4 and 4.16 to August 17, 2005. In a roll call vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

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Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held August 17, 2005)

- 6.4. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-4-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-4-03, Oak Scholar of Broward, LLC, 3655 Shotgun Road) (tabled from July 20, 2005)
Planning and Zoning Board recommended denial

This item was tabled earlier in the meeting.

7. APPOINTMENTS

- 7.1. Airport Advisory Board (one exclusive appointment - Councilmembers Crowley and Paul; terms expire December 2005)

No appointment was made.

- 7.2. School Advisory Board (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

- 7.3. Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.4. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

- 7.5. Planning and Zoning Board/Local Planning Agency (one exclusive nomination - Vice-Mayor Hubert- must be a resident and qualified voter; **nomination requires Council approval**) (term expires May 23, 2006)

Earlier in the meeting, Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to appoint Marlon Lewis. In a voice vote, all voted in favor. (Motion carried 5-0)

8. OLD BUSINESS

- 8.1. Eminent Domain

Earlier in the meeting, Councilmember Starkey asked that this item be tabled to the next meeting.

Councilmember Crowley did not agree with what was being done in Hollywood and he would not be in favor of any type of eminent domain in Davie unless it was for FDOT concerns. He advised of his appointment to the League of Cities legislative committee and indicated that he would be following this issue closely.

Councilmember Paul felt it was important to consider exit plans and asked if there was language in the annexation agreements of trailer parks that would prohibit eminent domain. Councilmember Crowley advised that the Park City agreement specifically prohibited eminent domain. Councilmember Starkey spoke of her concern for Everglades Mobile Home Park since the noise contours of the airport were negatively affected.

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Dean Alexander spoke of criteria that met the term “blighted”. He cited a Miami-Herald article and proposed that Davie be a leader in making it tougher to use eminent domain.

8.2. Waste Management Service Concerns

Earlier in the meeting, Mr. Kovanes explained that staff chose to go with bulk pickup once a month. Tony Spadaccia, representing Waste Management, outlined specifics of the new proposal being offered.

Mayor Truex asked what material the clamshell truck would not pick up. Mr. Spadaccia advised that materials that were beyond 15 cubic yards or 6-foot lengths. Mayor Truex stated that he would prefer that Waste Management define what it would not pick up versus what it would pick up. He asked if private landscapers could include yard waste. Mr. Spadaccia advised that landscapers would be precluded from placing waste on the curb for collection. Mayor Truex asked whether bulk pickup would remain monthly. Mr. Spadaccia responded affirmatively and advised that informational flyers would be sent out to residents on the new program. Mayor Truex questioned whether Waste Management would be responsible for damage to a resident’s property that might be caused by the clamshell truck. Mr. Spadaccia responded in the affirmative and encouraged residents not to place items in a position to create a safety problem. Mayor Truex asked whether District 1 pickup would remain on a weekly pickup schedule. Vice-Mayor Hubert indicated that her residents wanted to be uniform with the rest of the Town.

Vice-Mayor Hubert clarified that residents needed to call Waste Management first to have Freon removed from refrigerators being discarded and refrigerator doors needed to be removed. Mr. Spadaccia concurred and added that there was a charge to remove the Freon.

Councilmember Crowley asked that the size of the palm fronds and stumps allowed be in writing, which Mr. Spadaccia agreed to. Councilmember Crowley questioned whether Waste Management would not pickup debris over 15 cubic yards. Mr. Spadaccia responded affirmatively and indicated that a notice would be provided indicating the size. He stated that the residents would have to pay for the difference over 15 yards and indicated the problem was verification after the debris was removed. Councilmember Crowley disagreed as pictures could be taken. Mr. Spadaccia advised that this issue was in the current agreement. Mayor Truex questioned if 15 yards could be picked up and the resident could place the remaining in the cart. Mr. Spadaccia advised that it was better housekeeping to “manage that initially in the first go round.” He stated that if Waste Management could get the backing of Council, 15 yards could be picked up with a notice indicating that the remaining debris was over the amount allowed. Mayor Truex agreed as he thought the residents would understand.

Councilmember Crowley stated that storm cleanup needed to be addressed as it was not part of the contract. He understood that this was not Waste Management’s responsibility but felt this should be handled jointly between the Town and Waste Management. Mr. Spadaccia advised that the Town had a contractor for debris cleanup. Assistant Town Administrator Ken Cohen advised that storm pickup was included in the contract, which he explained. Mr. Spadaccia agreed that some arrangement should be made with regard to pickup of storm debris of a large volume.

Councilmember Starkey asked how pick up would be handled for yard debris placed in bags. Mr. Spadaccia stated this would be collected once a month at the bulk collection. Councilmember Starkey stressed the need for unified information from Waste Management to staff and the public. She added that the information should be in a bullet format and posted on the website. Councilmember Starkey stated that communication would help any misunderstandings.

Councilmember Paul agreed with Councilmember Crowley that everything be in writing. She wanted assurances that: 1) the 10-foot length referred to tree trunks; 2) no limit on palm fronds; 3) no limit on the number of plastic bags as long as it did not exceed the 15 cubic yards and was not household garbage.; 4) for the most part the clam truck would be used; 5) both the clam truck and the rear load truck

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would pick up appropriate bulk items (including smaller bulk items); and 6) if residents had an overage, Waste Management would charge only for the amount of the overage. Mr. Spadaccia agreed.

John Casagrande spoke of the provision that would lead to the use of the additional truck if the clamshell could not adequately pick up the debris.

Councilmember Paul agreed with Councilmember Crowley that if there was more than 15 cubic yards, a picture should be taken and the 15 cubic yards should be picked up. Mayor Truex clarified that the overage would be tagged so the resident would know why the debris was not being picked up.

Vice-Mayor Hubert voiced her concern about the excess debris left in front of a resident's home for a month. She asked for clarification on the homeowner's responsibility for the overage.

Vice-Mayor Hubert asked if residents should call Waste Management and arrange to pay a fee for pick up of excess yards of debris that was not collected. She asked if the resident had to pay a fee for a truck to come out in addition to the overage fee. Councilmember Paul responded that this was not in the contract. Mr. Cohen advised that residents would pay \$13 per cubic yard for additional bulk.

Councilmember Paul asked if it was possible to create a special district for pickup in areas with heavy vegetation. Mr. Cohen pointed out that other companies that submitted bids were not given an opportunity to include this in their pricing structure. Councilmember Paul asked when Waste Management would pick up the debris being disputed. Mr. Spadaccia responded that Waste Management would remove all debris beginning the following Monday which would be the first month pickup. Mayor Truex felt Waste Management had made efforts to pick up items that were not necessarily in their contract.

Mr. Kovanes asked if an attempt would be made to compact the debris to a true 15 cubic yards. Mr. Spadaccia responded that the clam truck was not a compact but picked up in open volume and advised that the pickup was not in compacted yards but in loose yards.

Mayor Truex invited the public to speak.

Jean Carroll, 14501 SW 20 Street, asked about the previous volume for pickup every two months. Councilmember Paul indicated that the previous contract stated two cubic yards but everything was being picked up which led to an atmosphere of expectation. Ms. Carroll agreed with Waste Management's current proposal; however, the lids could not always close. Mr. Spadaccia advised that Waste Management would pick up if some lids were not closed due to protruding items. He encouraged residents to purchase additional carts to avoid this problem. Councilmember Paul did not want residents to be cited if the lids were not entirely closed.

Dean Alexander wanted clarification on when to place palm fronds in the swale. Mr. Spadaccia advised that this could be done monthly.

Damon Carroll asked that drivers not dump the trash when the truck was moving as this caused trash to be blown around the neighborhood. Mr. Spadaccia explained that residents needed to bag their trash properly.

Ken De Armas, 14419 SW 23 Street, was in favor of the new modification and spoke of the merits of having a special district.

John Ladue, 2961 SW 111 Terrace, spoke of the issue he had with a steel bumper. Mr. Spadaccia advised that a piece of scrap metal would be picked up.

Lloyd Phillips, 14220 SW 29 Court, did not want Council to cite owners while they were increasing the amounts of requirements related to waste.

Larry Corey felt residents were losing money on bulk pickup and wanted bulk pickup twice a month.

Arthur Joseph felt Waste Management was doing an excellent job overall; however, he felt the Town was getting less service for a lesser price, compared to Waste Management's previous level of service. He indicated that a regional transfer center for bulk drop off would help many residents. Mr.

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Joseph felt the Council dropped the ball when it came to holding Waste Management accountable. Councilmember Paul advised that there was a process in place for fining Waste Management with regard to violations of the contract. Mayor Truex advised that the Town had also received many complaints about issues that were not violations of Waste Management's contract.

Ron Bauer, 14510 SW 20 Street, spoke in favor of the new modifications but felt the Town should enforce fines against Waste Management in the same manner as it enforced fines against residents.

Kathy Tibbets stated that Waste Management's current service was inconsistent and indicated that she was willing to follow the rules as long as they were clearly defined.

Don Horne was concerned about residents piling up bulk waste for weeks. He wanted provisions that addressed when the bulk could be placed out front.

Vice-Mayor Hubert voiced her support for the modifications offered.

Councilmember Crowley wanted to see all the issues discussed in writing. Mr. Spadaccia agreed to this and voiced his support for the modifications set forth. Councilmember Crowley asked if residents who had purchased additional carts could return them for a credit in light of the monthly bulk pickup system. Mr. Spadaccia responded in the affirmative.

Councilmember Starkey was concerned about residents who might be cited for Code violations prior to the new program taking effect. Mr. Cohen advised that staff had created a questionnaire for residents to help address this and spoke of the new contract enforcement team that was established to work on this issue. Councilmember Starkey was in favor of discussing a regional transfer site and Mr. Cohen indicated that staff would discuss this further. Councilmember Starkey thanked Waste Management for working with the Town on resolving these issues.

Councilmember Paul was hopeful that the modification would resolve the issues currently being addressed.

8.3. Airport Expansion Issues - Braulio Rosa

Public Information Officer Braulio Rosa updated Council on the airport expansion issue. He advised that he and Mr. Cohen had attended a meeting where options were provided. Mr. Rosa advised that staff needed direction on whether it would be appropriate for White and Case to file a petition on behalf of Council. He asked if Council wanted to host a meeting with other municipalities to seek their support on this issue.

Councilmember Starkey was against hosting any meetings that would benefit the County in this fight and wanted to avoid sending a mixed message. She was also not in favor of joining the County in a lawsuit against the FAA as she felt the Town's focus should remain solely on Davie.

Councilmember Paul was also opposed to spending any money to host such meetings.

Mr. Cohen stated that staff was concerned about any settlement that might hurt the Town. He explained that the Town would host its own meeting to explain its views to other municipalities.

Mayor Truex felt the Town would need to be involved in a lawsuit with the County with regard to this issue. He felt the Town would be better off having a say along with the County, as opposed to sitting on the sidelines.

Councilmember Starkey was not sure the Town would actually have a say and felt the County had not been good neighbors in addressing mitigation issues. She felt Neil McAliley should send a letter citing the Town's concerns.

Councilmember Crowley and Vice-Mayor Hubert were not in favor of suing the FAA and felt the Town should maintain the status quo. Council advised staff that they were not interested in being party to a lawsuit against the FAA with the County.

Mr. Rosa updated Council on his discussions with Brenda Chalifour concerning this issue.

TOWN COUNCIL MINUTES
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9. NEW BUSINESS

9.1. Mitigation Guidelines

Councilmember Crowley requested that this issue be discussed at the next meeting.

9.2. Waiver of Sports Fees for the Police Athletic League Program - Vice-Mayor Hubert

Vice-Mayor Hubert requested that fees be waived for a group of children in the Summer Lake area who were economically disadvantaged and not be eligible to play. Councilmember Starkey spoke of the sliding scale already in place and she was concerned about singling out a particular group over others. Mr. Andresky stated that the Town would waive the fees in situations of extenuating hardship. Vice-Mayor Hubert stressed that the children she referred to met this criteria and had no ability to pay any of the fees. She added that Pembroke Pines was waiving fees for these children to play.

Fitness Coordinator Mark Dornacker indicated that the Town would help these children through scholarships or donations.

9.3. Recycled Recovered Materials - Ron Greenstein

This item was not discussed.

9.4. Proposed TRIM Rate

Mr. Kovanes requested that Council vote on a millage rate and set a time for the public meeting.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve the proposed millage rate of 5.1086 and to schedule the first public hearing at 6:30 p.m. on September 7, 2005 at Town Hall. In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CROWLEY

GUARDRAILS. Councilmember Crowley requested that Mr. Kovanes set up a meeting with South Florida Water Management District. He also requested that staff discuss grant possibilities for guardrails with the grant coordinator.

CONGRATULATIONS. Councilmember Crowley congratulated Casey Lee for her appointment to Central Broward Water Control District.

COUNCILMEMBER STARKEY

PUBLIC PARTICIPATION NOTIFICATION. Councilmember Starkey spoke of the public participation plan for the Estates of Rolling Hills, however, the homeowners' association president had not been informed about the recent meeting. She understood that the plan included that the homeowner's association board or president be notified. Councilmember Starkey asked for a copy of the notification list for the upcoming meeting. She stated that the homeowner's association was going to the expense to notify those individuals who were not notified and thought the developer should reimburse the association for these costs.

NATIONAL ACCREDITATION. Councilmember Starkey congratulated the Town's Police Department on its recent national accreditation.

MAYOR TRUEX

GUARDRAILS. Mayor Truex asked that the Open Space Advisory Committee and the South Florida Trail Riders be notified about the guardrail locations.

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11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

12. TOWN ATTORNEY'S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:49 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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